

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**THE ESTATE OF MABLE DEAN BRADLEY, BY
AND THROUGH GLORIA SAMPLE, ADMINISTRATRIX
OF THE ESTATE OF MABLE DEAN BRADLEY, as
Assignee of claims held by Grancare, Inc., Marine Health
Care, Inc., Boyd P. Gentry, George Morgan, M. Scott
Athans, Robin C. Skelton, and Eleta Jo Grimmett**

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:08CV15-P-S

**ROYAL SURPLUS LINES INSURANCE COMPANY
and LUMBERMEN'S MUTUAL CASUALTY
COMPANY**

DEFENDANTS

ORDER

This cause is before the Court on the plaintiff's Motion for Partial Summary Judgment [37], defendant Lumbermen's Mutual Casualty Company's (hereafter Lumbermen's) Cross Motion for Summary Judgment [52] and defendant Royal Surplus Lines Insurance Company's (hereafter Royal Surplus) Motion for Summary Judgment [55]. The Court, having reviewed the motions, the responses, the briefs of the parties, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motions are not well-taken and should be denied. In reviewing the parties' filings and considering the arguments raised therein, it has become evident that there are issues which require further development before the Court can render an appropriate decision. The Court will advise the parties of the issues upon which additional briefing is desired by means of a subsequent order. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiff's Motion for Partial

Summary Judgment [37], defendant Lumbermen's Mutual Casualty Company's (hereafter Lumbermen's) Cross Motion for Summary Judgment [52] and defendant Royal Surplus Lines Insurance Company's (hereafter Royal Surplus) Motion for Summary Judgment [55] are not well-taken and should be, and hereby are, DENIED.

SO ORDERED, this the 30th day of September, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE